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Reissue Application: 09/608,013

Attorney Docket No. 103864.700 RIPATENT/OFFICIAL

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Reissue Application of :

Christopher J. LASHER, et al.

U.S. Patent 5,771,657

Reissue Application: 09/608,013

Filed: June 30, 2000 :

FOR: AUTOMATIC PRESCRIPTION FILLING, SORTING AND PACKAGING SYSTEM

As a below-named inventor, I hereby declare that:

My residence and Post Office Address (labeled "Address" in the signature blocks) and
Citizenship are as stated below next to my name, and that:

I/We verily believe that I/We am/are the original, first and joint inventor of the invention entitled AUTOMATIC PRESCRIPTION FILLING, SORTING AND PACKAGING SYSTEM, described and claimed in the specification filed on herewith, that I have reviewed and understand the contents of the specification, including the claims, as well as the claims referred to in this declaration, that I do not know and do not believe the same was ever known or used in the United States of America before my invention thereof, or patented or described in any printed publication in any country before my invention thereof or more than one year prior to May 7, 1996, that the same was not in public use or on sale in the United States of America more than one year prior to May 7, 1996, that the invention has not been patented or made the subject of an inventor's certificate issued before May 7, 1996 in any country foreign to the United States of America on an application filed by me or my legal representatives or assigns more than twelve months prior to May 7, 1996, and that I acknowledge my duty to disclose information of which I am aware which is material to the examination of this application.

My original U.S. Patent 5,771,657, which matured from serial number 08/646,016, is partly inoperative or invalid by reason of claiming less than and/or more than I had the right to claim through error. The errors include, for example, omission of broader claims to an automated prescription dispensing system and a method of dispensing pills in a prescription dispensing system, including more liberal use of non-means plus function terminology. Specifically, the errors include, amendments to the originally presented reissue

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claims. For example, limitations such as "automatic," "separately from the at least one bottle inserted into the shipping container," "corresponding to the prescription order," and "star," have been removed in certain claims. In addition, in certain claims, the term "turntable" has generally been replaced with the phrase "assembly mechanism," the phrase "mechanical arm" has generally been replaced with the phrase "bottle removing mechanism," and the terms "prescription label," "bar code," and "tag" have generally been replaced by the term "identifier." In addition, the phrases "the literature pack and each of the bottles having at least one corresponding identifier identified by at least one identification system to ensure that each of one or more bottles associated with the corresponding prescription order are inserted into the shipping container with the corresponding literature pack," and "is inserted into the shipping container separately from the bottles," has been inserted in selected claims.

For example, the errors include failing to include the following claim combinations:

A prescription filling and packing system comprising one or more pill dispensing machines to automatically count out and dispense pills into two or more prescription bottles in accordance with prescription orders, a computer responsive to the prescription orders to provide prescription bottles filled with pharmaceuticals in accordance with the prescriptions of said prescription orders, and order consolidation means comprising means to print literature packs customized to said prescription orders, an assembly station to assemble the order at said order consolidation and packing station, a bottle removing mechanism that removes the at least one bottle corresponding to a particular prescription order from at least one location for subsequent packing of the at least one bottle in the shipping container, and a bagger machine that presents a shipping container for each prescription order, the shipping container receiving one or more prescription bottles for each prescription order and separately receiving the literature pack for the prescription order the literature pack and each prescription bottle having an identifier identified by at least one identification system to ensure that the shipping container contains the one or more prescription bottles for the prescription order and the corresponding literature pack.

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A system for filling at least one order, comprising:

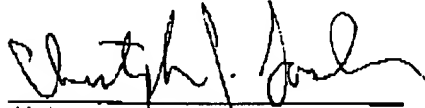
- at least one pill dispenser that simultaneously dispenses pills into two or more bottles;
- at least one order consolidation station configured to provide at least one literature pack having a first identifier and containing printed literature relating to the at least one order and comprising patient specific information associated with the at least one order, and configured to receive at least one bottle having a second identifier and containing pharmaceutical products, wherein the at least one bottle is associated with the at least one order, and wherein the at least one order includes at least one prescription for the at least one bottle;
- the order consolidation station being further configured to read the first and second identifiers and combine automatically the at least one literature pack and the at least one bottle to send the combined at least one literature pack and the at least one bottle to at least one recipient corresponding to the at least one order, to thereby fill the at least one order, each of said at least one order consolidation station further comprising:
 - a bottle removing mechanism that selects one or more bottles corresponding to a prescription order for subsequent packing of the one or more bottles in a shipping container; and
 - a bagging machine that receives the at least one of the plurality of bottles corresponding to the prescription order from said bottle removing mechanism and inserts the prescription order bottles in the shipping container.

Every error in the patent which is being corrected in the present reissue application, and which is not covered by any prior oath and/or declaration submitted in this application, arose without any deceptive intent on the part of the applicant and inventors during prosecution of the original application which matured as U.S. Patent No. 5,771,657.

No factual basis is required establishing how the errors occurred under 37 C.F.R. § 1.175.

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I/We hereby declare that all statements made herein of my/our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.


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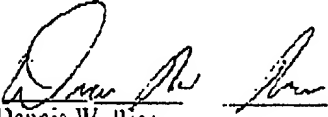
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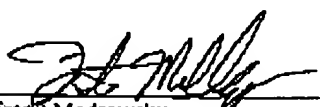
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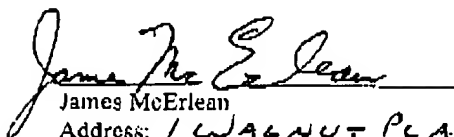
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Reissue Application: 09/608,013


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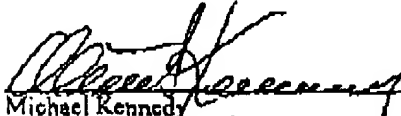
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